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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,652	11/27/2001	Marco Schneider	P21376.P07	8103

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EXAMINER	
YANG, LINA	
ART UNIT	**PAPER NUMBER**
2665	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/993,652	SCHNEIDER ET AL.	
	Examiner	Art Unit	
	Lina Yang	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11/27/2001 and 8/7/2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *16-24* is/are allowed.

6)☒ Claim(s) *1-15 and 25-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11/27/2001 and 8/7/2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/27/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-7, and 25-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Donovan (U. S. Patent No. 6,366,577 B1).

Regarding claims 1, 25, 29 and 32 (differ only by statutory class), Donovan teaches a system comprising: a service controller (Fig. 1, containing: SIP Proxy Server 1-SPS1 150, SIP Proxy Server 2-SPS2 151, Policy Server 1-POL1 140, Policy Server 2-POL2 141, Policy-POL 142) comprising at least one session initiation protocol (SIP) proxy server (Fig.1, SPS1 150 and SPS2 151) that receives a request for the network service from an initiating end system ("INVITE" step 1- in Fig. 2 from SIP phone 115, col. 6 lines 27-28) and instructs the initiating end system to perform a connection setup request the instructing comprising specification of a unique identifier to be included in the connection setup request(step 22 in Fig. 2, col. 6 line 45), the unique identifier correlating the connection setup request and the network service ("an authorized token" col. 6 lines 59-60); and at least one switching device that receives the

connection setup request from the initiating end system (edge routers R1 or R2 in Fig. 2), the switching device processing the connection setup request based on the unique identifier and at least one of service policy and logic associated with the network service, and performing one of establishing a network connection to a terminating end system and rejecting the connection setup request based on the processing, in accordance with the at least one of service policy and logic (Steps 23-40 in Fig. 3).

Regarding claims 2 and 26 (differ only by statutory class), Donovan further teaches that the service controller pushes the at least one of service policy and logic into the at least one switching device prior to instructing the originating end system to perform a connection setup request (step 14 and 19 in Fig. 2).

Regarding claim 3, Donovan further teaches that the connection setup request is in accordance with resource reservation protocol (RSVP)(steps 23-28 in Fig. 3) and the pushing the at least one of service policy and logic into the switching device is in accordance with common open policy service-policy rule (COPS-PR) protocol (step 14 and 19 in Fig. 2, COPS -DEC).

Regarding claims 4 and 27 (differ only by statutory class), Donovan further teaches that at least one switching device pulls the at least one of service policy and logic from the service controller after receiving the connection setup request from the initiating end system (col. 4 lines 24-38, steps 817 and 820 in Fig. 8B).

Regarding claim 5, Donovan further teaches that the connection setup request is in accordance with resource reservation protocol (RSVP) (PATH 815 in Fig. 8B) and the pulling the at least one of service policy and logic into the switching device is in accordance with common open policy service (COPS) protocol (COPS_DEC message 817 and 820 in Fig. 8B).

Regarding claim 6, Donovan further teaches that the at least one switching device queries the service controller and receives information representing application of the at least one of service policy and logic in response to the query (steps 816-817 and 819-820 in Fig. 8B).

Regarding claim 7, Donovan further teaches that the connection setup request is in accordance with resource reservation protocol (RSVP) (PATH 815 in Fig. 8B) and the querying the service controller by the switching device and the receiving information representing application of the at least one of service policy and logic in response to the query is in accordance with common open policy service (COPS) protocol (COPS_DEC message 817 and 820 in Fig. 8B).

Regarding claims 28, 31 and 33 (differ only by statutory class), Donovan further teaches that the connection setup request is in accordance with resource reservation protocol (RSVP) (steps 23-28 in Fig. 3).

Regarding claim 30, Donovan further teaches that in which the transferring the information representing the application of at least one of policy and logic of the IP network service to the at least one router comprises replying to a query from the at least one router (steps 816-817 and 819-820 in Fig. 8B) after instructing the initiating end system to perform the connection setup request (step 814 in Fig. 8A, col.10 lines 65-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan (U. S. Patent No. 6,366,577 B1).

Regarding claim 8, Donovan differs from the claimed invention in that Donovan does not specifically teaches that the at least one switching device comprising an Internet protocol router. However, it is well known in the art that Internet protocol routers are used in IP communication. Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to clearly incorporate

Internet protocol router in order to switch the data between different networks in IP communication.

Regarding claim 9, Donovan further teaches that the connection setup request is in accordance with resource reservation protocol (RSVP) messages (PATH and RESV messages 23-28 in Fig. 3 and PATH 815 in Fig. 8B).

Regarding claim 10, Donovan differs from the claimed invention in that Donovan does not specifically teaches that at least one switching device comprising a multi-protocol label switching (MPLS) router. However, it is well known in the art that switching device comprising a multi-protocol label switching (MPLS) label switching route are used in inter-networking communication. Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to clearly incorporate multi-protocol label switching (MPLS) router in order to fast switch the data between different networks in inter-networking communication.

Regarding claim 11, Donovan differs from the claimed invention in that Donovan does not specifically teaches that the connection setup request is in accordance with one of RSVP-te and constraint-based routed label distribution protocol (CR-LDP). However, it is well known in the art that that RSVP-te and constraint-based routed label distribution protocol (CR-LDP) are used with multi-protocol label switching (MPLS) routers. Therefore, it would have been obvious for one of ordinary skill in the art at the

time when the invention was made to clearly incorporate that the connection setup request is in accordance with one of RSVP-te and constraint-based routed label distribution protocol (CR-LDP) in order to accommodate the multi-protocol label switching (MPLS) routers used.

Regarding claim 12, Donovan differs from the claimed invention in that Donovan does not specifically teaches that the at least one switching device comprising an optical switching device controlled by generalized multi-protocol label switching. However, it is well known in the art that switching device comprising an optical switching device controlled by generalized multi-protocol label switching is used in inter-networking communication. The label can contain the information of the wavelength. Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to clearly incorporate an optical switching device controlled by generalized multi-protocol label switching in order to switch the data faster between different networks in inter-networking communication.

Regarding claim 13, Donovan differs from the claimed invention in that Donovan does not specifically teaches that the connection setup request is in accordance with one of RSVP-te and constraint-based routed label distribution protocol (CR-LDP). However, it is well known in the art that that RSVP-te and constraint-based routed label distribution protocol (CR-LDP) are used with multi-protocol label switching (MPLS) routers. Therefore, it would have been obvious for one of ordinary skill in the art at the

time when the invention was made to clearly incorporate that the connection setup request is in accordance with one of RSVP-te and constraint-based routed label distribution protocol (CR-LDP) in order to accommodate the multi-protocol label switching (MPLS) routers used.

Regarding claim 14, Donovan differs from the claimed invention in that Donovan does not specifically teaches that the at least one switching device comprising a time division multiplexing (TDM) switching device controlled by generalized multi-protocol label switching (GMPLS). However, it is well known in the art that switching device comprising a time division multiplexing (TDM) switching device controlled by generalized multi-protocol label switching are used in inter-networking communication. The label can contain the information of the time slots. Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to clearly incorporate a time division multiplexing (TDM) switching device controlled by generalized multi-protocol label switching in order to switch the data more efficiently between different networks in inter-networking communication.

Regarding claim 15, Donovan differs from the claimed invention in that Donovan does not specifically teaches the connection setup request is in accordance with one of RSVP-te and constraint-based routed label distribution protocol (CR-LDP). However, it is well known in the art that that RSVP-te and constraint-based routed label distribution protocol (CR-LDP) are used with multi-protocol label switching (MPLS) routers.

Therefore, it would have been obvious for one of ordinary skill in the art at the time when the invention was made to clearly incorporate that the connection setup request is in accordance with one of RSVP-te and constraint-based routed label distribution protocol (CR-LDP) in order to accommodate the multi-protocol label switching (MPLS) routers used.

3. Claims 16-24 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 16-24 are allowable since prior art of record, dose not teach or suggest a system for controlling access to a communications network associated with a network service, the system comprising: a service controller, comprising at least one session initiation protocol (SIP) proxy server, that receives a request for the network service from an initiating end system to access the network service, provides the initiating end system with an enabling certificate, comprising at least one of service policy and logic associated with the network service, and a unique setup identifier, and instructs the initiating end system to perform a connection setup request that includes the certificate and the unique identifier; and at least one switching device that receives the connection setup request from the initiating end system, the switching device processing the connection setup request based on the certificate and the unique identifier and performing one of establishing a network connection and rejecting the

connection setup request based on the processing, in accordance with at least the certificate; in addition to other limitations recited in claims 16-24.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Widegren et al. (US Patent No. 6,621,793 B2) discloses a method of filtering and gating data flow in a QoS connection between a remote host and user equipment in a packet data network using policy control mechanisms includes a remote host initiating an application in an application server and a corresponding session between the remote host and the user equipment via the application server.

Hardjono (US Patent No. 6,842,449 B2) discloses a method and system for registering and automatically retrieving digital-certificates in voice over Internet protocol (VOIP) communications.

Gallant et al. (US Patent Application No. 2003/0133454 A1) discloses a method of and system for providing quality of service in IP Telephony.

Orton et al. (US Patent Application No. 2004/0107238 A1) discloses a method and apparatus for a SIP client manager.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lina Yang whose telephone number is (571)272-3151. The examiner can normally be reached on 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LY

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